

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN A. INDIVERI,

Plaintiff,

v.

RICHARD MACK, et al.,

Defendants.

Case No. 17-00595 BLF (PR)

**ORDER DENYING MOTION TO
COMPEL; GRANTING MOTION TO
STAY TIME TO OPPOSE
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT**

(Docket Nos. 37 & 45)

Plaintiff, a California state prisoner, proceeding *pro se*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against medical personnel at the Salinas Valley State Prison ("SVSP") and the medical appeals office. The Court issued an order of service directing the Clerk to mail Requests for Waiver of Service of Summons upon Defendants Richard Mack, K. Kumar, Dr. D. Do-Williams, J. Dunlap, L. Gamboa, H. Hanter, and J. Lewis. (Docket No. 6.) After the Court ordered service but before Defendants appeared, Plaintiff filed a first amended complaint, (Docket No. 18, hereafter "FAC"), along with a motion to serve the complaint on Defendants, (Docket No. 19.) The Court screened the FAC and dismissed it with leave to amend to attempt to state sufficient facts against Defendants Health Care Services, the Department of Corrections, and specific individual(s) at the CTC Pharmacy. (Docket No. 36.) Plaintiff subsequently filed a second amended complaint,

(Docket No. 38, hereafter "SAC"), followed by a motion for summary judgment, (Docket No. 41). Defendants filed a motion to screen the SAC and to stay time to oppose Plaintiff's motion for summary judgment. (Docket No. 45.)

Considering that the SAC supersedes all previous complaint, Plaintiff's motion to compel admissions based on the FAC, (Docket No. 37), is DENIED as moot. Defendants' motion to stay time to oppose Plaintiff's motion for summary judgment and for screening of the SAC is GRANTED. (Docket No. 45.) The Court shall conduct an initial screening of the SAC in a separate order.

This order terminates Docket Nos. 37 and 45.

IT IS SO ORDERED.

Dated: 8/8/2018



BETH LABSON FREEMAN
United States District Judge